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91ST CONGRESS }
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SENATE

REPORT
No. 91-763

FEDERAL PAY LEGISLATION

APRIL 7, 1970.—Ordered to be printed

Mr. McGEE, from the Committee on Post Office and Civil Service,
submitted the following

REPORT

[To accompany S. 3690]

The Committee on Post Office and Civil Service, reported the following original bill (S. 3690) to increase the pay of Federal employees and recommends that the bill do pass.

PURPOSE

This legislation will provide 6-percent across-the-board increases for the salaries of Federal employees who are paid under statutory salary systems (the postal field service, the general schedule of the classified civil service, the Department of Medicine and Surgery in the Veterans' Administration and the Foreign Service) and employees paid under other salary systems, except wage board employees in the legislative, executive, and judicial branches of the Government. The 6-percent increase will also apply to military personnel under the provisions of section 8(a) of the act of December 16, 1967 (Public Law 90-207; 80 Stat. 625).

JUSTIFICATION

This legislation fulfills the Federal salary comparability provisions of the Salary Reform Act of 1962 (Public Law 87-793; 76 Stat. 841) adjusting the wages of Federal employees to levels generally comparable with the private sector of the economy as determined by the Bureau of Labor Statistics in its annual survey, last conducted in 1969. The pay is made retroactive to the first day of the first pay period which began on or after December 27, 1969, in order to reduce the timelag between the ascertainment of the Bureau of Labor Statistics survey of actual wages being paid in the private sector of the economy and the effective date of Federal salary adjustments.

87-010

In public hearings before the Senate Post Office and Civil Service Committee on April 6, 1970, Postmaster General Winton M. Blount testified that he, as Postmaster General and as a spokesman for the present administration, supported the enactment of this legislation without any reservations or stipulations that it be related in any manner to the enactment of any postal reform legislation or any postal revenue legislation.

Speaking in behalf of the Bureau of the Budget, Mr. Roger W. Jones, Assistant Director of the Bureau, testified that the administration supported enactment of this legislation.

LEGISLATIVE EMPLOYEES

The committee has applied the 6-percent retroactive pay increase to employees of the House of Representatives and the Senate. In December 1969, the committee did not recommend an increase for such employees, but the passage of time and the committee's unanimous conviction that it is fair and equitable to authorize pay increases for congressional employees when salaries for more than 5 million other Federal employees are increased has caused the committee to reverse the decision it made last December and recommend comparable pay adjustments for employees of the House and Senate.

DISTRICT OF COLUMBIA JUDGES

The committee has provided pay increases for the District of Columbia judges of the Court of General Sessions, the Court of Appeals, and the Tax Court in accordance with the provisions of S. 3180, which unanimously passed the Senate on November 26, 1969.

The committee has also provided for an increase in the aggregate amount of money available for the payment of staff salaries for former Presidents of the United States, from \$80,000 to \$96,000 a year. This reflects an increase equal to the average percentage increase in the general schedule which has occurred since the last adjustment of their salaries in 1967.

COSTS

The total current payroll of the Federal Government for civilian and military employees subject to this legislation is about \$42.4 billion. The cost of the 6-percent pay increase retroactive to December 27, 1969, will be approximately \$1.2 billion for fiscal year 1970, and \$2.5 billion for the full fiscal year 1971 and thereafter. Of that amount, approximately \$1.3 billion is attributable to civilian pay adjustments and \$1.2 billion to military pay adjustments.

The cost of salary adjustments for the staff of former Presidents of the United States (Presidents Truman and Johnson) is \$32,000 a year.

The costs of pay adjustments for employees of the House of Representatives and the Senate is \$6.8 million a year, and is included in the overall estimate of \$2.5 billion.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law in which no change is proposed is shown in roman; existing law proposed to be omitted is enclosed in black brackets; new matter is shown in italic):

SECTION 1(b) OF THE ACT OF AUGUST 25, 1958

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(b) The Administrator of General Services shall, without regard to the civil service and classification laws, provide for each former President an office staff. Persons employed under this subsection shall be selected by the former President and shall be responsible only to him for the performance of their duties. Each former President shall fix basic rates of compensation for persons employed for him under this paragraph which in the aggregate shall not exceed **[\$80,000]** *\$96,000* per annum. The annual rate of compensation payable to any such person shall not exceed the highest annual rate of basic pay now or hereafter provided by law for positions at level II of the Executive Schedule under section 5313 of title 5, United States Code.

Section 11-702 of the District of Columbia Code

- (a) The District of Columbia Court of Appeals shall consist of a chief judge and five associate judges appointed by the President of the United States, by and with the advice and consent of the Senate.
- (b) A person may not be appointed as a judge of the court unless he:
- (1) is a bona fide resident of the area consisting of the District of Columbia, Montgomery, and Prince Georges Counties in Maryland, Arlington, and Fairfax Counties in Virginia, and the city of Alexandria, Virginia, and has maintained an actual place of abode in the area for at least 5 years prior to his appointment; and
 - (2) has been actively engaged in the practice of law in the District of Columbia for a period of at least 5 years immediately prior to his appointment.
- (c) Each judge shall be appointed or reappointed for a term of 10 years, which terms shall be staggered as heretofore provided for; and he shall continue in office until the appointment and qualification of his successor.
- (d) The chief judge shall receive an annual salary of **[\$29,000]** *\$38,500*, and each associate judge shall receive an annual salary of **[\$28,500]** *\$38,000*.

Section 11-902 of the District of Columbia Code

- (a) The District of Columbia Court of General Sessions shall consist of a chief judge and 22 associate judges appointed by the President of the United States, by and with the advice and consent of the Senate.
- (b) A person may not be appointed as a judge of the court unless he:
- (1) is a bona fide resident of the area consisting of the District of Columbia, Montgomery and Prince Georges Counties in Mary-

land, Arlington and Fairfax Counties in Virginia, and the city of Alexandria, Virginia, and has maintained an actual place of abode in the area for at least 5 years prior to his appointment; and

(2) has been a member of the bar of the District of Columbia for a period of at least 5 years, and, for a period of at least 5 consecutive years immediately prior to his appointment, either has been actively engaged in the practice of law or has been employed as an attorney in the District in the Government of the United States or in the government of the District of Columbia.

(c) Each judge shall be appointed or reappointed for a term of 10 years each, which terms shall be staggered as heretofore provided for; and he shall continue in office until the appointment and qualification of his successor.

(d) The chief judge shall receive an annual salary of ~~[\$28,000]~~ \$37,500, and each associate judge shall receive an annual salary of ~~[\$27,500]~~ \$37,000.

Section 47-2402 of the District of Columbia Code

The Commissioners shall appoint a board of one person, subject to removal by the Commissioners, to be called the Board of Tax Appeals for the District of Columbia, which person shall be a citizen of the United States. Such person shall be appointed for the term of 10 years, except such appointment as may be made for the remainder of an unexpired term. Any vacancy caused by death, resignation, or otherwise shall be filled by the Commissioners only for an unexpired term. Such person shall be eligible for reappointment. Such person shall be an attorney and in active practice of law for at least 10 years next preceding his appointment.

The salary of such person so appointed shall be ~~[\$27,500]~~ \$37,000 per annum. The commissioners are authorized to employ such other personal services as may be necessary to carry out the provisions of this chapter and to provide for the expenses of the board. The salaries of employees other than the Board shall be fixed in accordance with section 305, chapter 51, subchapter III of chapter 53, and sections 5341, 4342, 5509, and 7154 of title 5, United States Code (relating to the classification of Government employees and related matters), but such employees shall be appointed without regard to civil service requirements. The Commissioners shall include in their annual estimates such amounts as may be required for the salaries and expenses herein authorized.

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